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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,850	02/18/2004	Hideyuki Kubota	Q79919	9443
23373	7590	12/13/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			FALASCO, LOUIS V	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/779,850	Applicant(s) KUBOTA, HIDEYUKI	
	Examiner Louis Falasco	Art Unit 1773	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 21 November 2006.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: see attached RESPONSE TO APPLICANTS ARGUMENTS.

RESPONSE TO APPLICANTS ARGUMENTS UNDER 37 C.F.R. §1.116

1. *Rejections*

- a. Rejection made over **Saito et al** and **Takeuchi et al** have been withdrawn to simply the issues.

2. *Applicants argue*

- a. the protective coating in the primary reference – **Nagao et al** – fails to also show the protective layer on the side of the magnetic layer;
- b. the secondary reference – **Kato et al** – is not directed to the magnetic media having protrusions and recesses;
- c. the secondary reference – **Kato et al** – does not teach a protective coat on any side portion of the media magnetic layer.

3. *Applicant's arguments have been fully considered but they have not been found persuasive.*

- a. As regards **Nagao et al** failing to also show the protective layer on the side of the magnetic layer: it was pointed out in the previous Office Action **Nagao et al** does not state whether or not the protective coating is on the edge (previous Office action at page 3 ln 13). **Nagao et al** teaches one of ordinary skill to provide the protective coat *as necessary* through out all

production methods to make the master disk of Fig. 2 cited in the previous Office action (i.e., First Production method - col. 7 lns 46,47; Second Production method - col. 8 lns 13,14; Third Production method - col. 8 ln 53; Fourth Production method - col. 9 ln 33,34; Fifth Production method - col. 9 lns 66; Sixth Production method - col. 10 lns 36,37). **Kato et al** teaches it is necessary to provide protective coating at the inner hub portion of the magnetic layer - i.e., the hub edge as depicted in the previous Office action.

- b. As regards **Kato et al** not being directed to the magnetic media having protrusions and recesses: while **Kato et al** does not teach magnetic media having protrusions and recesses, like the primary reference it is also directed to recording media and teaches the ordinary skilled worker to protect an edge wear portion of magnetic media with the protective coating. The instant protective coating is not claimed as coated on the sides of the protrusions and recesses, but on any side surface of the magnetic layer, including the hub portion illustrated in **Kato et al** (see the previous Office action illustration).
- c. As regards **Kato et al** not teaching a protective coat on any side portion of the media magnetic layer: **Kato et al** shows having the protective layer over the side edge of the magnetic sheet 10 at the rim portion 10a (**Kato et**

al col. 4 lns 15-30) to increase resistance to edge wear as it acts as the disk hub.

Interview with Examiner

4. Applicants have added to the interview between applicants' representative and the examiner of 09/16/06. Applicants representatives showed the examiner the protective layer on both sides of the protrusions and recesses at the inner portions of the master disk. The examiner conceded **Kato et al** only teaches the hub ring area but pointed out the claims to that breadth have not been presented.

CONCLUSION

5. No claim has been allowed.

INQUIRES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis Falasco, PhD whose telephone number is (571)272-1507. The examiner can normally be reached on M-F 10:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol D. Chaney, PhD can be reached at (571)272-1284. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LF
12/06


CAROL CHANEY
SUPERVISORY PATENT EXAMINER